

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

POWER INVESTMENTS, LLC,)	
)	
Plaintiff/Counterclaim)	
Defendant,)	
)	Case No. 4:21-cv-01022-SEP
vs.)	
)	
CARDINALS PREFERRED, LLC,)	
)	
Defendant/Counterclaim)	
Plaintiff.)	

JOINT MOTION TO MODIFY STIPULATED SCHEDULING PLAN AND
[PROPOSED] ORDER

WHEREAS, the Court entered the Case Management Order (Dkt. 40) on October 21, 2021 (the “Original CMO”);

WHEREAS, Cardinals Preferred, LLC (“Cardinals”) and Power Investments, LLC (“Power”, and, together with Cardinals, the “Parties”) filed a Proposed Stipulated Scheduling Plan (Dkt. 123) (“Scheduling Plan”) on March 9, 2022;

WHEREAS, on March 11, 2022, the Court granted the Scheduling Plan;

WHEREAS, the Parties have acted in good faith and with diligence to comply with the deadlines in the Scheduling Plan;

WHEREAS, due to unforeseen circumstances relating to certain witnesses’ diagnosis of COVID-19, the Parties are unable to complete expert discovery by the deadlines in the Scheduling Plan;

WHEREAS, in light of the foregoing, the Parties have agreed to jointly move, subject to the Court’s approval, for a very short extension to certain deadlines in the Scheduling Plan;

provided, that, the Court believes said extensions will not affect the trial date;¹

COME NOW the Parties, through undersigned counsel, and subject to the approval of the Court, jointly move to modify the Scheduling Plan as follows:

1. The deadline for the Parties to identify rebuttal expert witnesses, if any, and provide a copy of said experts' reports shall be extended from May 27, 2022 to **June 10, 2022**, and the deadline for said expert witnesses to be available for deposition, and have said depositions completed, shall be extended from June 10, 2022 to **June 20, 2022**;
2. The deadline to complete discovery shall be extended from June 10, 2022 to **June 20, 2022**;
3. The deadline for all motions to dismiss, motions for summary judgment, motions for judgment on the pleadings, or if applicable, any motion to exclude testimony pursuant to *Daubert v. Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), or *Kumho Tire Co. Ltd. v. Carmichael*, 526 U.S. 137 (1999), shall be extended from June 30, 2022 to **July 7, 2022**;
4. The deadline for any response to these motions shall be extended from July 22, 2022 to **July 28, 2022**;
5. The deadline for any reply to the responses shall be extended from August 1, 2022 to **August 8, 2022**; and
6. The Parties agree that all other dates, including pretrial and trial dates, shall remain

¹In the event the Court requires the Parties to complete briefing on those motions currently due to be filed June 30, 2022, by no later than August 1, 2022, which is the current deadline for any reply brief for such motions, in order to preserve the current trial date, then the Parties will meet and confer to reach agreement as to a modified schedule that preserves the August 1, 2022 reply deadline while adjusting other scheduled dates.

as they are in the Original CMO.

Dated: June 1, 2022

Respectfully submitted,

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Counsel for Power Investments LLC

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IT IS SO ORDERED this _____ day of June, 2022.

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was electronically filed on June 1, 2022 with the United States District Court for the Eastern District of Missouri using the CM/ECF system which will send notification of such filing to all parties requesting electronic notice.

/s/ Nicholas R. Rodriguez

Nicholas R. Rodriguez